

DETAILED ACTION

This is the first Office action on the merits of US patent application 10/540233, filed on June 21, 2005. Claims 1-20, as originally filed, are currently pending and have been considered below. One claim is independent.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “**plug (5.3)**” in **Claim 2** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **"5.3" in paragraph 3 on page 6 of the Specification, and "5.3" in Claim 2.** Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-3 and 12** are rejected under 35 U.S.C. 102(b) as being anticipated by Picardo et al. (US 6,662,056 B2, hereinafter "Picardo").

For **Claim 1**, Picardo discloses a defibrillator having an electronic device in housing (Fig.2 and Fig.12) and electrodes (Fig.2: #14a and #14b) stored in a chamber (Fig.2: #46) formed on the inside of a cover (Fig.2: #42) that can be flipped open and/or removed.

For **Claim 2**, Picardo discloses that the electrodes in the chamber are connected via connecting cables (Fig.2: #56a and #56b) and a plug (Fig.2: #54) to a connection socket (Fig.2: #60) of the housing in an unused state (Col.3, ln.1-12).

For **Claims 3 and 12**, Picardo discloses that the electrodes are stored in a moisture-proof package (Fig.9: #74a, #74b, and Fig.10: #76, and Col.7, ln.57-67 and Col.8, ln.11) in the chamber of the cover.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 4, 13, 15, 19, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Picardo in view of Brewer et al. (US 6,263,238 B1, hereinafter "Brewer").

Picardo teaches the invention as discussed above, but Picardo fails to teach a handle and information arranged on the outside of the cover. Picardo further fails to teach a holding element, a counter-holding element, and a sensor that responds to cover removal.

However, Brewer discloses a defibrillator with a handle (Fig.1 and Fig.2: #30) on a cover to allow a user to open the cover. Brewer also teaches the limitation of information arranged on the outside in the form of the physical shape of the handle. Brewer further discloses a counter-holding element (Fig.2: #31, and Col.3, ln.14-15) for

the cover, and a sensor that responds to cover removal (Fig.2: #90, and Col.4, ln.6-11) for the purpose of switching on the defibrillator (Col.5, ln.18-25).

Picardo and Brewer are analogous art because they are in the same field of endeavor in designing defibrillators. At the time of the instant invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Picardo and Brewer in front of him or her, to include a handle on the cover to allow a user to open the cover, and a counter-holding element so the cover can be closed, and a sensor to detect cover removal for the purpose of switching on a defibrillator.

10. **Claims 16, 17, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Picardo in view Morgan et al. (US 4,610,254, hereinafter "Morgan").

For **Claim 16**, Picardo teaches the invention as discussed above, but Picardo fails to teach utensils stored inside the cover.

However, Morgan teaches a defibrillator that can store a pair of scissors, for the purpose of being used by a user to remove a patient's clothing to facilitate electrode placement (Col.4, ln.49-52).

Picardo and Morgan are analogous art because they are from the same field of endeavor in designing an external defibrillator. At the time of the invention, it would have been obvious to one ordinarily skilled in the art, having the teachings of Picardo and Morgan in front of him or her, to modify a defibrillator to include utensils for the purpose of facilitating a rescue operation on a patient.

For **Claim 17**, Picardo in combination with Morgan teaches an inner cover element (Picardo: Fig.6: #70).

For **Claim 18**, Picardo in combination with Morgan discloses a defibrillator with a housing wall with one triggering element (Morgan: Fig.2: #56) and user guide elements (Morgan: Fig.2: #50, 52, 54).

11. **Claims 5, 6, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Picardo in view of Brewer and further in view of Thomas (US 4,513,866).

For **Claims 5 and 14**, Picardo and Brewer teach the invention as discussed above, but they fail to teach that the handle is a pull strap.

However, Thomas discloses a medical emergency pack having handles in the form of a strap (Fig.6: #24), connected with the cover.

Picardo, Brewer, and Thomas are analogous art because they are from the same problem-solving area of designing emergency medical equipments. At the time of the invention, it would have been an obvious matter of design choice to one ordinarily skilled in the art, having the teachings of Picardo and Brewer and Thomas in front of him or her, to modify the handle connected to a cover of a defibrillator as taught by Picardo and Brewer to be in the form of a strap as taught by Thomas because such simple substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

For **Claim 6**, Picardo in view of Brewer teach a defibrillator having a cover with the holding element (Brewer: Fig.2: #30) and the counter-holding element (Brewer: Fig.2: #31) on the outside of the housing.

12. **Claims 7-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Picardo in view of Brewer and Thomas and further in view of Morgan.

For **Claim 7**, Picardo in view of Brewer and Thomas teach a defibrillator with chamber inside a cover, but they fail to teach utensils in the chamber.

However, Morgan teaches a defibrillator with a chamber inside a cover that stores a pair of scissors for the purpose of being used to remove a patient's clothing to facilitate placement of electrodes (Col.4, ln.49-52).

Picardo, Brewer, Thomas, and Morgan are analogous art because they are from the same problem-solving area of designing emergency medical equipments. At the time of the invention, it would have been obvious to one ordinarily skilled in the art, having the teachings of Picardo, Brewer, Thomas, and Morgan in front of him or her, to modify a defibrillator to include utensils and tools for the purpose of facilitating a user to operate on a patient.

For **Claim 8**, Picardo teaches that a chamber inside a cover is hermetically sealed by a sheet of material (Fig.6: #70, and Col.6, ln.53-55).

For **Claim 9**, Picardo in combination with Brewer and Thomas and Morgan disclose a defibrillator with a housing wall with one triggering element (Morgan: Fig.2: #56) and user guide elements (Morgan: Fig.2: #50, 52, 54).

For **Claim 10**, Picardo in combination with Brewer and Thomas and Morgan disclose a defibrillator with a handle having information in the form of the physical shape of the handle (Brewer: Fig.2: #30).

For **Claim 11**, Picardo in combination with Brewer and Thomas and Morgan disclose a defibrillator with a sensor to switch on the defibrillator (Morgan: Fig.2: #20 and #22, and Col.4, ln.16-19) (Brewer: Fig.2: #90, and Col.4, ln.8-11, and Col.5, ln.18-25).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Picardo et al. (US 6556864 B1) is cited for disclosing a pull handle pin.

Covey et al. (US 20030088276 A1) is cited for disclosing a pull handle on the electrode package of a defibrillator, showing signs on the handle for the direction to pull.

Locke et al. (US 20030208237 A1) is cited for disclosing a defibrillator with a cover and opening mechanism.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK S. WU whose telephone number is (571)270-5041. The examiner can normally be reached on Monday-Friday, 7:30am to 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Del Sole can be reached on 571-272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSW

/Joseph S. Del Sole/
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